

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1465 be amended to read as follows:

- 1 Page 4, between lines 18 and 19, begin a new paragraph and insert:
- 2 "SECTION 2. IC 36-7-5.2 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2003]:
- 5 **Chapter 5.2. Regulation of Amateur Radio Antennas**
- 6 **Sec. 1. A municipality or county may not enact or enforce an**
- 7 **ordinance, a resolution, or an order that does not comply with the**
- 8 **ruling of the Federal Communications Commission in "Amateur**
- 9 **Radio Preemption, 101 FCC 2d 952 (1985)" or a regulation related**
- 10 **to the amateur radio service adopted under 47 CFR Part 97.**
- 11 **Sec. 2. If a municipality or county adopts an ordinance, a**
- 12 **resolution, or an order involving the placement, screening, or**
- 13 **height of an amateur radio antenna based on health, safety, or**
- 14 **aesthetic conditions, the ordinance, resolution, or order must:**
- 15 **(1) reasonably accommodate amateur radio**
- 16 **communications; and**
- 17 **(2) represent the minimal regulation practicable to**
- 18 **accomplish the municipality's or county's legitimate purpose.**
- 19 **Sec. 3. A local ordinance, resolution, or order may not restrict**
- 20 **the height of an amateur radio antenna to less than seventy-five**
- 21 **(75) feet above ground level.**
- 22 **Sec. 4. This chapter does not prohibit a municipality or county**
- 23 **from taking action to protect or preserve a historic, a historical, or**
- 24 **an architectural district that is established by the municipality or**
- 25 **county or under state or federal law."**
- 26 **Renumber all SECTIONS consecutively.**
(Reference is to EHB 1465 as printed April 1, 2003.)

Senator ANTICH

